

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN DOE,	)	
	)	
Plaintiff,	)	
	)	Case No. 7:21-cv-378
v.	)	
	)	By: Michael F. Urbanski
VIRGINIA POLYTECHNIC INST. &	)	Chief United States District Judge
STATE UNIV., et al.,	)	
	)	
Defendants.	)	

ORDER

For the reasons stated in the accompanying memorandum opinion, defendants' motion to dismiss, ECF No. 93, is **DENIED in part and GRANTED in part** as follows:

1. The motion is **DENIED** as to the Due Process claim.
2. The motion is **GRANTED** as to the Title IX claim based on hostile environment and **DENIED** as to the Title IX claim based on 2019–2020 grant funding and retaliation.
3. The Title IX claim based on hostile environment is **DISMISSED with prejudice**.
4. Doe may proceed on his procedural due process claim against defendants Timothy Sands and Tamara Cherry-Clarke in their official capacities, and on his Title IX claim against defendant Virginia Tech based on 2019–2020 grant funding and retaliation.

It is **SO ORDERED**.

Entered: April 2, 2024

A handwritten signature in blue ink, appearing to read 'MFU', followed by a long horizontal flourish.

Michael F. Urbanski  
Chief United States District Judge